



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,741	11/03/2004	Toshiro Miyazaki	2004-1092A	4568
513 7590 09/13/2007 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER LEE, JOHN W	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,741

Applicant(s)

MIYAZAKI, TOSHIRO

Examiner

John Wahnkyo Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The response received on 06 July 2007 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Amendment

2. The applicant's amendments filed on 06 July 2007 have been fully considered.

Response to Arguments

3. Applicant's arguments filed on 06 July 2007 have been fully considered, but are not persuasive.
4. Applicant's arguments with respect to claims 1-3, 5-7, and 9-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's Guide") in view of Park (US 5,231,490), and further in view of Takahashi (2003/0133034).

Regarding claim 1, KODAK DC 280 discloses an image enlarging apparatus (KODAK DC 280, "KODAK DC 280 is a zoom digital camera") comprising: an imaging means for

Art Unit: 2624

outputting a photographed image of a subject, wherein a vertical line count and a horizontal line count of the photographed image are greater than a vertical line count and a horizontal line count of a television format (chapter DC280 Specification, "KODAK DC 280 is a zoom digital camera that can take pictures having resolution up to 2.3 millions pixels that are 1901X1212 and are larger than TV formats such as NTSC and PAL that have 648X486 and 768X576 resolution."); an image cropping means for receiving the photographed image output from said imaging means (chapter Camera Identification and DC280 Specification, "KODAK DC280 also has a video output that can be connected to a TV by converting the images taken by the KODAK DC280 camera to the NTSC or PAL format"), for cropping the photographed image (chapter DC280 Specification, "3X digital zoom function"); and an enlargement processing means for the selected image output from said switching means (chapter DC 280 Specification, "It is well known of the ordinary skill in the art that digital zoom of the camera specifies the camera can crop a portion of the image and then enlarges it back to the size, and the KODAK DC280 has a 3X digital zoom function."). However, KODAK DC 280 does not have rest of the process or functions disclosed in the claim limitations of claim 1. Instead of KODAK DC 280, Park discloses an image cropping means for generating a cropped image having a vertical line count and a horizontal line count matching the vertical line count and the horizontal line count of the television format (col. 1, lines 7-20, "converting aspect ratio and number of scanning lines of a video signal of the HDTV video image that has ratio of 16 to 9 and scanning lines above 1050 into a NTSC standard TV format having aspect ratio of 3 to 4 and scanning lines 525.").

Art Unit: 2624

Takahashi discloses an image compression processing means for receiving the photographed image output from said imaging means, for compressing the photographed image such that the vertical line count and the horizontal line count of the photographed image match the vertical line count and the horizontal line count of the television format (Fig. 5; paragraphs [0098]-[0102], "dynamic compression technique"), and for generating a compressed image (Fig. 1-29; paragraph [0070], "compression circuit that has a plurality of modes"); a switching means for selecting the cropped image generated by said image cropping means or the compressed image generated by said image compression processing means and for outputting the selected image (Fig. 1-28; paragraph [0067], "a system controller system that controls the selected mode to be output as it is from the image pick-up mode selection circuit").

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus and Takahashi's apparatus in KODAK DC 280 to suit for converting more than two modes such as a zoom-up mode and a wide mode as suggested by Park (col. 1, lines 62-65) and to provide and perform an adjustment suitably with a simple structure and to prevent inconvenience as suggested by Takahashi (page 1, paragraphs [0014] and [0015]).

Regarding claims 5 and 9, claims 5 and 9 are analogous and correspond to claim

1. See rejection of claim 1 for further explanation.

4. Claims 2-3, 6-7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over KODAK DC/280 ("KODAK DC240/280 Zoom Digital Camera User's

Art Unit: 2624

Guide”) in view of Park (US 5,231,490), and further in view of Takahashi (2003/0133034) and Imaizumi et al. (US 6,236,389).

Regarding claim 2, KODAK DC280, Park, and Takahashi disclose or teach all the previous claim limitation except the claim limitation of claim 2. However, Imaizumi image cropping means specifies on the photographed image a start point at one corner of a rectangular cropped image and an end point at a diagonally opposite corner of the rectangular cropped image (Fig. 5, col. 6, lines 55-63, “a trimming frame TF is changed according to the movement of the cursor CU by the operator and displayed as a square shape with the point P1 and the cursor position as diagonal points”).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's apparatus, Takahashi's apparatus, and Imaizumi's apparatus in KODAK DC 280 to accurately and quickly designate and image editing region and to improve operability of an image editing process as suggested by Imaizumi (col. 2, lines 50-58).

Regarding claim 3, Imaizumi further discloses comprising a cropping area determining means for setting a location of the image to be cropped image in from the photographed image (Fig. 6; abstract, “The trimming mode of Imaizumi's invention can move the trimming frame and can change the display shape in accordance with cursor and the position of the frame for the image editing region.”).

Regarding claims 6 and 10, claims 6 and 10 are analogous and correspond to claim 2. See rejection of claim 2 for further explanation.

Art Unit: 2624

Regarding claims 7 and 11, claims 7 and 11 are analogous and correspond to claim 3. See rejection of claim 3 for further explanation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lee
(AU 2624)


JINGGE WU
SUPERVISORY PATENT EXAMINER